

The only way to do this is to pass H.R. 503, and I urge my colleagues to support this important legislation.

Mr. Speaker, at the request of the Chairman of the Armed Services Committee, Mr. STUMP, I submit for the RECORD a letter he wrote to the Speaker relating to the floor consideration of H.R. 503, the "Unborn Victims of Violence Act of 2001."

COMMITTEE ON ARMED SERVICES,

Washington, DC, April 23, 2001.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: In recognition of the desire to expedite floor consideration of H.R. 503, the Unborn Victims of Violence Act of 2001, the Committee on Armed Services agrees to waive its right to consider this legislation. H.R. 503, as introduced and ordered reported by the Committee on the Judiciary on April 20, 2001, contains subject matter that falls within the legislative jurisdiction of the Committee on Armed Services pursuant to rule X of the Rules of the House of Representatives.

The Committee on Armed Services takes this action with the understanding that the Committee's jurisdiction over the provisions in question is in no way diminished or altered, and that the Committee's right to the appointment of conferees during any conference on the bill remains intact.

Sincerely,

BOB STUMP,
Chairman.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am delighted to join my colleagues in this discussion. I have listened to the chairman of the Committee on the Judiciary begin by describing, I lost count, about seven or eight horrible, offensive, violent incidents in which a pregnant mother and her unborn child were hurt or killed.

There is not anyone in the Congress that does not feel very strongly about the violence against unborn victims. But if that is going to be the way we get to undermining Roe v. Wade, I do not think it is going to happen here today, because I think our job is to make it clear what is really going on.

Just for the record, I would like everybody to know that there is punishment for the killing of a fetus. It was stated that there is no punishment that exists today. It is in the Federal law. It is in the current Federal sentencing guidelines that permit the enhancement of a sentence under the vulnerable victims guideline. So that is number one.

Number two, there is a substitute. There is a remedy to the flawed bill that has been brought on the floor. That is the Lofgren-Conyers substitute, which does everything, and in some instances it has more penalty for the person that attacks a pregnant mother and kills an unborn victim than the current bill, but it gets us around the subversion of Roe v. Wade, and it comports with Roe v. Wade.

I am amazed that we would begin this discussion trying to skip around the whole heart of this debate. This is not a matter of how many anecdotes

you can dig up. I have 40. The gentleman has 10. I have twice that amount.

The question is, how are we going to deal with the subject, Mr. Speaker. The right way to do it is through the substitute, which is going to be dealing with a way to punish the people that violate mothers, and by the way, it is hard to deal with an unborn victim of violence without hurting the mother as well. So this is what we are here to discuss today.

Let us be friendly about this. This act was designed to erode the foundation of a woman's right to choose under Roe v. Wade by simply elevating the legal statuses of prenatal development under Federal law, and creates a separate offense during the commission of a crime "... which causes death to a member of the species homo sapiens at any stage of development." That is a quote from the bill.

Well, that sounds okay, but what does it mean? It means that if enacted, this would be the first time in the Federal legal system that we would begin to recognize a fertilized egg, a zygote, a preimplantation embryo, a blastocyst and an embryo through 8 weeks of pregnancy or a fetus after 8 weeks which can be a person, which can be an independent violent crime. That is what the bill is trying to do.

I did not know I would have to be the first to bring it to discussion, since I am against it, but no sneaking around today, we are going to have to put it all on the table, so we might as well start off now defending the proposition that is embedded fatally in H.R. 503.

These acts against women are tragic and especially for pregnant women. But the true aim of this legislation is not to stop violence against women. In fact, the protections for women are notably absent from this legislation.

So what we are here today to do is to determine whether or not we are going to undermine a woman's right to choose by recognizing that all of these things that have not had separate rights are now equal to and in some cases superior to women who are worthy of the legal protection.

The Supreme Court has held, I remind all the lawyers on the Committee on the Judiciary, the Supreme Court has held that fetuses are not persons within the meaning of the 14th amendment. I am not going to repeat that. If enacted, the bill would improperly inject debates about abortion into criminal prosecutions across the country. That is unfortunate and tragic.

I think that may be one of the purposes of why the proponents have written the bill up in this way. They have crafted a bill that is certain to inflame the national debate about when life begins. We do not want to do that. We just merely want to protect unborn victims of violence. The way to do it is by simply moving away from the notion that we have just created another category of persons that have not ever been recognized in the Federal legal

system before now. That is why we are going to have a fair amount of opposition to this proposal.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 10 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the chairman for yielding time to me, and I thank him for his leadership on this very important issue.

Mr. Speaker, as we conduct this debate today, we going to hear from opponents that, for various reasons, the Unborn Victims of Violence Act of 2001 is unconstitutional. We will also hear that the legislation in some mysterious way applies to abortion.

I want to make very clear from the beginning that these assertions are false. In fact, these arguments only serve as a smokescreen, a distraction from the real issue at hand.

What are the real issues? Those of us supporting this legislation believe that when a criminal commits an act of violence against a woman and her unborn child, the criminal should face punishment for both the harm caused to the mother and for injuring or killing the innocent child that she is carrying.

Opponents of the legislation feel otherwise. They believe that the criminal should not face separate sanctions for harm inflicted on the unborn child, even if the unborn child, a child that the mother greatly wanted to bring into this world, is killed.

With that in mind, Mr. Speaker, I would like to take this opportunity to address the legal issues that have been raised regarding the Unborn Victims of Violence Act.

First, questions have been raised about Congress' constitutional authority to enact this legislation. The challenge to the bill on this ground is completely without merit. It is clear that Congress has such constitutional authority because the bill will only affect conduct that is already prohibited by Federal law.

H.R. 503 merely provides an additional offense and punishment for those who injure or kill an unborn child during the commission of one of the existing predicate offenses set forth in the bill. If there is any question regarding the constitutionality of the act's reach, that question is addressed to the constitutionality of the predicate offense, not H.R. 503.

Opponents of this legislation also argued that it somehow violates the decision of the Supreme Court in Roe v. Wade. This argument is also without merit. To begin with, H.R. 503 simply does not apply to abortion. On page 4 of the bill, beginning on line 9, prosecution is explicitly precluded "for any conduct relating to an abortion for which the consent of the pregnant woman has been obtained or for which such consent is implied by law."

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So it does not apply to abortion. The act also does not permit prosecution